

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY**

Regular Meeting – February 1, 2012

*******Draft Document – Subject to Commission Review*******

CALL TO ORDER: Chairman Savaria called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Ron Savaria (Chairman), Michael Koczera, John Malin, Richard Osborn, Michael Sawka, and Alternate Member Kathryn Roloff.

Unable to Attend: Regular Member Robert Slate.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance.

Chairman Savaria noted the establishment of a quorum with 5 Regular and one Alternate Members as noted above. Chairman Savaria noted members will sit in on votes this evening.

Wetlands Agent/Zoning Enforcement Officer Robin Newton was unable to attend the Meeting this evening.

ADDED AGENDA ITEMS: None.

APPROVAL OF MINUTES – January 4, 2012:

MOTION: To APPROVE the Minutes of Regular Meeting dated January 4, 2012 as written.

Koczera moved/Osborn seconded/VOTE: In Favor: Unanimous

NEW PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED: None.

OLD BUSINESS/1. East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point – Cease and Desist Order for Conducting a Regulated Activity without a Permit – INFORMATIONAL UPDATE:

Discussion tabled; submission of application remains pending. Chairman Savaria

suggested he understood it has been determined there are multiple owners involved with this property, and work on this issue has been delayed as the Cemetery Association begins work with new environmental experts.

OLD BUSINESS/2. Emilo and Adeline Parente – 284 South Main Street, East Windsor, CT. – Cease and Desist Order for Conduction a Regulated Activity without a Permit – INFORMATIONAL UPDATE:

Discussion tabled; submission of application remains pending.

MISCELLANEOUS:

1. Discussion of Regulation Changes:

Chairman Savaria noted the Table of Contents for the Regulations has not yet been updated pending the results of discussion during the Public Hearing. Other revisions have been discussed during previous Commission Meetings. The next step is to set a date to hold a Public Hearing on the proposed Regulation changes.

2. Discussion of Bylaws:

Chairman Savaria recalled the Commission adopted the revised Bylaws at the previous Meeting. The Bylaws provided for the Commission in their packets are their updated/revised/adopted copies.

Commissioner Koczera referenced the Meeting timeframe specified in the revised Bylaws; he questioned what would happen if the Meeting continued to 1:00 a.m. and one of the Commissioners wanted to leave the Meeting? Chairman Savaria noted the continuation of a meeting past the 10:30 p.m. deadline requires a vote of the Commissioners present. If a Commissioner didn't want to stay, and that Commissioner's departure resulted in a lack of a quorum, the Commission may have to consider scheduling a Special Meeting to conclude Agenda business, or delay review of any unfinished business to the following month. Chairman Savaria recalled that the Commission continued the previous Meeting past the regular deadline to enable them to complete review of an application being heard rather than request the applicant to return the following month.

3. Violation Citation & Procedures, Ordinance #2012/Wetlands Violation Enforcement and Citation Policy:

Chairman Savaria noted nothing has changed regarding this material. It is the same document presented, and discussed, by Wetlands Agent Newton at the previous Meeting.

Chairman Savaria noted Wetlands Agent Newton has indicated that a similar policy exists for Zoning violations. The Zoning Enforcement Officer (ZEO

Newton) sends out the violation notices, the fines accrue from the date of the letter but are not charged until a meeting is held with the violator and the Hearing Officer. During that meeting the violation is discussed and the fines are reduced when compliance is agreed to. Chairman Savaria noted the ZEO can issue the violation letter and initiate the Zoning Citation Policy without the Planning and Zoning Commission's prior approval.

Chairman Savaria noted in the instance of the Inland Wetlands Citation Policy Commissioners have expressed their preference that the violation be brought to the Commission for their approval prior to initiating action. The Commission discussed advantages (Commission review of the Wetlands Agent's potential actions) and disadvantages (up to a month's delay for approval depending on the timing of the violation vs. the Commission's Meeting schedule, and the violator's continued activities during that period of delay) of both options. Commissioner Roloff suggested she liked the additional time for the Commission's review and suggested while Wetlands Agent Newton has proven to be a trusted staff person the concern is what if the next person doesn't exhibit the same level of professionalism? The Commission considered the option of holding a Special Meeting, which generates its own delay due to statutory timeframes for calling special meetings and the delay which naturally occurs rescheduling the meeting. Commissioner Osborn suggested allowing the decision regarding initiating the violation decision to be made by the Chairman and the Wetlands Agent.

The Commission made no movement either way on the issue of prior Commission approval of a violation citation.

4. Wetlands Fee Schedule:

Chairman Savaria reiterated the intent of this proposal is to bring East Windsor's Wetlands Fee Schedule in line with those fees charged in surrounding towns. He summarized Wetlands Agent Newton's proposals, which include charging fees based on a tiered basis based on the amount of wetlands disturbance, vs. basing the fees on the amount of upland review disturbance above a 75' review area. Chairman Savaria reported the latter would be the recommendation of Wetlands Agent Newton as it is less complicated with regard to fee calculation.

The Commission offered no comments on their preference.

Chairman Savaria noted the Commission must vote on holding a Public Hearing within this Commission prior to sending these items to the Board of Selectmen for consideration of sending the recommendations on to a vote at a Town Meeting. He queried the Commission's preference for holding a Public Hearing at the Commission's next regularly scheduled Meeting to be held on March 7, 2012?

MOTION: To set a Public Hearing for discussion of the Regulation Changes for

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the Commission's next meeting to be held on March 7, 2012 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

DISCUSSION: Clarification was requested as to the Commission's intent to include the Citation Policy and Fee Schedule in the Public Hearing before referring any of the items to the Board of Selectmen and to Town Meeting as well? Chairman Savaria suggested he considered all three items when he referenced the regulation changes. It was suggested that all three items be clarified in this motion.

Osborn moved/Sawka seconded/VOTE: In Favor: Unanimous

MOTION: To RESCIND the motion to set a Public Hearing for discussion of the Regulation Changes for the Commission's next meeting to be held on March 7, 2012 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Osborn moved/Sawka seconded/VOTE: In Favor: Unanimous

MOTION: To set a Public Hearing for discussion of the Regulation Changes, Violation Citation & Procedures, Ordinance #2012/Wetland Violation Enforcement and Citation Policy, and Wetlands Fee Schedule for the Commission's next meeting to be held on March 7, 2012 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Osborn moved/Sawka seconded/VOTE: In Favor: Unanimous

AGENT DECISIONS: None.

STATUS REPORTS: See discussion under OLD BUSINESS.

CONFERENCES/SEMARs/TRAINING:

Chairman Savaria reminded Commissioners the first of three annual sessions of Commissioner Training via DEEP is coming up. Funding via the Planning Department budget is limited; Chairman Savaria offered to pay for his sessions personally if another Commissioner needs assistance with funding. Commissioners Roloff and Koczera expressed interest in signing up for the online training. Commissioner Koczera suggested perhaps everyone could engage in the session on the same computer; Chairman Savaria doubted that everyone would then receive their certification if only one had registered for the session.

CORRESPONDENCE:

Chairman Savaria noted receipt of memo requesting Selectman Pippin receive a copy of

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each monthly Commission packet.

GENERAL BOARD DISCUSSION:

MOTION: To send a sympathy card to Mike Gragnolati's family.

Koczera moved/Osborn seconded/VOTE: In Favor: Unanimous

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:28 p.m.

Osborn moved/Sawka seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(1347)